

# **Legal Aspects of Work-Place Learning**

**State of Iowa  
Department of Education  
Bureau of Technical & Vocational Education  
Grimes State Office Building  
Des Moines, Iowa 50319**

**STATE BOARD OF EDUCATION**

Corine A. Hadley, President, Newton  
Sally J. Frudden, Vice President, Charles City  
C.W. Callison, Burlington  
Gregory A. Forristall, Macedonia  
Gregory D. McClain, Cedar Falls  
Mary Jean Montgomery, Spencer  
Gene E. Vincent, Carroll  
Kay Wagner, Bettendorf  
John C. White, Iowa City

**ADMINISTRATION**

Ted Stilwill, Director and Executive Officer of the  
State Board of Education  
Gail Sullivan, Chief of Policy and Planning

**DIVISION OF COMMUNITY COLLEGES  
AND WORKFORCE PREPARATION**

Dr. Janice Nahra Friedel, Administrator

**Bureau of Technical and Vocational Education**

Jerda Garey, Chief  
Janet Woodruff, Marketing and  
Entrepreneurship Education Consultant

It is the policy of the Iowa Department of Education not to discriminate on the basis of race, color, national origin, gender, disability, religion, creed, age or marital status in its programs or employment practices. If you have questions or grievances related to this policy please contact Chief, Bureau of Administration/School Improvement Services, Grimes State Office Building, Des Moines, Iowa 50319-0146, (515) 281-5811.

## Table of Contents

Introduction.....	i
Information Services.....	ii
Wage and Hour .....	1
Minimum Wage Law .....	3
Exemption Certificates .....	6
Employee-Employer Relationship For Persons With Disabilities .....	7
Wage Payment Collection Law .....	9
Child Labor Laws .....	10
Legal Opinions.....	17
Equity .....	18
Iowa Tax Benefits.....	20
Immigration.....	22
Physical Education Programs.....	25
Iowa Centralized Employee Registry .....	25
Unemployment Compensation Insurance .....	25
Work Permits .....	26
Risk Management .....	27
House File 2443 .....	30
Senate File 361 .....	31
Student Records .....	33
Practitioner Licensure.....	35
Special Endorsements.....	36
Iowa Child Labor Form – Work Permit & Certificate of Age .....	37
Guide to Issuing Child Labor Form .....	38
Appendix.....	39

## **Introduction**

The purpose of this booklet is to provide a handy reference of the many legal aspects of concern for the educator. It is not intended to be an authoritative, or comprehensive, presentation of the many laws and policy statements that have a significant impact on the functioning of programs which utilize work-based instruction. It is intended to alert the educators of areas where they may need to take special action, to obtain information, or to seek the assistance of other individuals or agencies.

In general, employers are required by law to maintain a reasonably safe working environment. There are several special considerations that may apply to workers who are under the age of eighteen. The educator has a professional responsibility to know the special provisions that apply to the employment of young people. As student advocates, educators are responsible for doing all that is possible to provide for the safety and well being of those who are enrolled in their programs. The booklet, then, is for the purpose of assisting educators in meeting this professional responsibility.

# INFORMATION SERVICES

## **Personnel Americans With Disabilities Act (ADA)**

Jean Samson  
Division of Vocational Rehabilitation Services  
510 East 12th Street  
Des Moines, Iowa 50319  
(515) 281-6234

Harlietta Helland  
Department of Human Rights  
Lucas Building  
Des Moines, Iowa 50319  
(515) 281-3957

## **Employment of Student Learners Under The Fair Labor Standards Act**

Federal Wage and Hour and  
Federal Child Labor Laws

Ms. Joan Jazwinski  
230 S. Dearborn Street, Room 412 A  
Chicago, Illinois 60604-1591  
(312) 353-7167

Percella Maupins, District Director  
Wage-Hour Division  
Employment Standards Administration  
U.S. Department of Labor  
643 Federal Building  
210 Walnut Street  
Des Moines, Iowa 50309  
(515) 284-4625

## **Work Permits Iowa's Minimum Wage Law**

Marcielle Rockhill, Manager  
Minimum Wage Program  
Iowa Division of Labor  
1000 East Grand Avenue  
Des Moines, Iowa 50319  
(515) 281-8493

## **Immigration Reform & Control Act**

Federal Building  
Room 1008, 106 South 15th Street  
Omaha, Nebraska 68102  
(402) 697-9152

Federal Building  
210 Walnut, Room 369 E  
Des Moines, IA 50309  
(515) 323-2050

## **OSHA**

Centralized Registry Employee  
New Hire Reporting  
Roger Fee - (515) 242-5811  
Jan Sieren - (515) 281-8933

Mary Bryant  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319  
(515) 281-3286

## **Iowa Jobs Tax Credit**

Iowa Department of Revenue and Finance  
Taxpayer Services  
P.O. Box 10457  
Des Moines, IA 50306-0457  
(515) 281-3114 or 1-800-367-3388

## **Work Opportunity**

Welfare-to-Work Tax Credits  
Iowa Workforce Development  
150 Des Moines Street  
Des Moines, IA 50309-5363  
(515) 281-9023

## **Unemployment Compensation**

Unemployment Insurance Call Center  
515/281-4199  
Field Auditor - 515/281-8216  
Claims Office - Joe Bervid  
515/281-8116

Job Injuries  
Iowa Workforce Development  
Industrial Commission  
1000 East Grand  
Des Moines, Iowa 50319  
(515) 242-6070

**Workers' Compensation**

Iowa Workforce Development  
Workers Compensation Commission  
1000 East Grand  
Des Moines, Iowa 50319  
(515) 281-5934

**Work-Site Learning**

Roger Foelske  
Iowa Department of Education  
Grimes State Office Building  
Des Moines, Iowa 50319  
(515) 281-4700

**Published Materials**

U.S. Department of Labor  
643 Federal Building  
210 Walnut  
Des Moines, IA 50309  
(515) 284-4625

*Employment of Student-Learners*  
Wage & Hour Publication 1343

*Child Labor Requirements  
in Non-Agricultural Occupations*  
Wage & Hour Publication 1330

*Handy Reference Guide to the  
Fair Labor Standards Act*  
Wage & Hour Publication 1282

*Code of Federal Regulations*  
Index to Regulations  
[http://www2.dol.gov/dol/allcfr/Title\\_29/Chapter\\_V.htm](http://www2.dol.gov/dol/allcfr/Title_29/Chapter_V.htm)

# WAGE AND HOUR

## Workplace Learning

Workplace learning is a learning experience for a student at an employer's work-site. It includes work experience (both paid and unpaid), workplace mentoring, and broad instruction to the extent practicable, in all aspects of an industry. The workplace component includes a planned program of job training and work experience at progressively higher levels. This planned educational experience coordinates what is learned in the school setting with what is learned in the job setting. Instruction in general workplace competencies--including developing positive work attitudes, employability, and participative skill is a part of the workplace learning component.

Activities which occur in the workplace that do not involve the performance of work are not "employment" subject to the Fair Labor Standards Act. Some examples of these activities include:

- Career awareness and exploration
- Field trips to a work-site
- Job shadowing (whereby a student follows and observes an employee in his/her daily activities, but performs no work)

## Elements of a Learning Experience at an Employer's Work-Site

A learning experience:

- (1) is a planned program of job training and work experience for the student appropriate to the student's abilities, which includes training related to pre-employment and employment skills to be mastered at progressively higher levels that are coordinated with learning in the school-based learning component;
- (2) encompasses a sequence of activities that build upon one another, increasing in complexity and promoting mastery of basic skills;
- (3) has been structured to expose the student to all aspects of an industry and promotes the development of broad, transferable skills; and
- (4) provides for real or simulated tasks or assignments, which push students to develop higher-order critical thinking and problem solving skills

## Learning Experience Not Classified as Employment as Defined by FLSA

A student enrolled in a workplace learning experience as described above would **not** be considered an employee within the meaning of FLSA if all of the following criteria were met:

- (1) the student receives ongoing instruction at the employer's work-site and receives close on-site supervision throughout the learning experience, with the result that any productive work that the student would perform would be offset by the burden to the employer from the training and supervision provided; and
- (2) the placement of the student at a work-site during the learning experience does not result in the displacement of any regular employee--i.e. the presence of the student at the work-site cannot result in an employee being laid off, cannot result in the employer not hiring an employee it would otherwise hire, and cannot result in an employee working fewer hours than he or she would otherwise work; and



- (3) the student is not entitled to a job at the completion of the learning experience--but this does not mean that employers are to be discouraged from offering employment to students who successfully complete the training; and
- (4) the employer, student, and parent or guardian understand that the student is not entitled to wages or other compensation for the time spent in the learning experience--although the student may be paid a stipend for expenses such as books or tools.

When **all four** of the above student criteria are met, an employer would not be required to pay wages to a student enrolled in workplace learning experience.

### **Learning Experience Not Subject to FLSA**

If a student is not an employee, wages are not paid, and Federal child labor laws do not apply. Payment of a stipend is optional. However, a stipend may not be used as a substitute for wages. A stipend is generally limited to reimbursement for expenses such as books, tuition, or tools. There are no specific stipulations for the length of a learning experience, as long as the four criteria listed above apply throughout the period of the student's participation.

While child labor laws do not apply if there is not an employment relationship, educational institutions are encouraged to adhere to child labor laws with regard to hazardous working conditions. Instruction and training in occupations that involve the use of machinery such as slicing machines, trash compactors, and bread dough kneading machines have been known to cause serious injuries. Child labor laws provide guidance that can assist in deterring hazardous jobs or working conditions for students.

# MINIMUM WAGE LAW

## Basic Wage Standards

Covered nonexempt workers are entitled to the Federal minimum wage of not less than \$5.15 an hour. For the first 90 calendar days of employment the initial employment minimum wage rate of \$4.25 an hour can be used for employees under 20 years of age.

	Federal	Iowa
Minimum Wage	\$5.15	\$5.15
Volume Coverage	\$500,000	\$300,000

An enterprise must follow the law (state or federal) whichever is the more restrictive.

Required wages are due on the regular payday for the pay period covered. Deductions made from wages for such items as cash or merchandise shortages, employer-required uniforms, and tools of the trade, are not legal to the extent that they reduce an employee's wages below the required minimum wage rate. Additionally, the employee must authorize such deductions in writing. The law contains some exemptions from these basic wage standards that apply either to specific types of businesses or to specific kinds of work.

While the basic minimum wage is set by law, the following employment practices are not regulated by law, but are matters for agreement between the employer and employees or their authorized representatives:

- vacation, holiday, severance, or sick pay;
- meal or rest periods, holidays off, or vacations;
- premium pay for weekend or holiday work;
- pay raises of fringe benefits;
- a discharge notice, reason for discharge, immediate payment of final wages to terminated employees; and
- any limit on the number of hours of work for person's 16 years of age or old.

The Iowa Wage Payment Collection Law does require payment of certain benefits due an employee under an agreement or company policy.

## Who is Covered?

A covered enterprise is the related activities performed through unified operation or common control by any person or persons for a common business purpose and

(1) who's annual gross volume of sales made or business done in not less that \$300,000;

(2) is engaged in the operation of a hospital, an institution primarily engaged in the care of those who are physically or mentally ill or disabled or aged, and who reside on the premises, a school for children who are mentally or physically disabled or gifted, a preschool, an elementary or secondary school, or an institution of higher education (whether operated for profit or not for profit) or

(3) is an activity of a public agency.

Construction and laundry/dry cleaning enterprises, which were previously covered regardless of their annual dollar volume of business, are now subject to the dollar test.

Employees of firms, which are not covered enterprises under the law, may still be subject to the minimum wage if employees are individually engaged in interstate commerce or in the production of goods for interstate commerce. Such employees include those who:

- (1) work in communications or transportation;
- (2) regularly use the mails, telephones, or telegraph for interstate communication, or keep records of interstate transactions;
- (3) handle, ship, or receive goods moving in interstate commerce;
- (4) regularly cross state lines in the course of employment; or
- (5) work for independent employers who contract to do clerical, custodial, maintenance or other work for firms engaged in interstate commerce or in the production of goods for interstate commerce.

Domestic service workers such as day workers, housekeepers, chauffeurs, cooks, or full-time babysitters are covered if they receive at least \$50 in cash wages in a calendar year, or work 8 or more hours a week for one or more employers.

### **Tip Credit**

An employer may credit a certain amount of the tips received by tipped employees (e.g., waiters and waitresses) against the employer's minimum wage obligation when certain conditions are met. The law now sets the employer's cash wage obligation at not less than \$2.85 an hour. If employee's tips combined with the employer's cash wage of \$2.85 an hour do not equal the minimum hourly wage, the employer must make up the difference. The Iowa law in this area is more restrictive than the federal law.

An employer using an employee's tips for wage credit must inform the employee in advance and must be able to show that the employee receives at least the minimum wage when direct wages and the tip credit allowance are combined. Also, employees must retain all of their tips except to the extent that they participate in valid tip pooling or sharing arrangements.

### **Employer-Furnished Facilities**

The reasonable cost or fair value of board, lodging and other facilities customarily furnished by the employer for the employee's benefit may be considered part of wages, provided the employee has agreed in writing to accept this alternative method of payment.

## **Subminimum Wage Provisions**

Under the law, certain individuals may be employed at less than the statutory minimum wage. These individuals include student-learners (vocational education students) and individuals whose earning or productive capacity is impaired by age or physical or mental disability or injury. Employment at less than minimum wage is provided to prevent curtailment of employment opportunities. This employment is permitted only under certificates issued by the U.S. Department of Labor, Wage-Hour Division. The Iowa Division of Labor honors all federal certificates.

## **Exemptions**

Some employees are excluded from the minimum wage provision by specific exemptions. Because exemptions are generally narrowly defined, the employer should carefully check the exact terms and conditions of each. Detailed information about exemptions from the minimum wage provision is available from the Iowa Division of Labor.

## **Recordkeeping**

Business owners are required to keep payroll records and records of hours worked for their employees covered by the minimum wage law. Most of the information required is of the type that any company would keep in following ordinary business practices. The law does not require that the records be kept in any particular form, but it does require that certain accurate information be included. Following is a breakdown of the basic information that an employer must record:

- (1) Identifying information about Employee
  - Full name and social security number
  - Address, including zip code
  - Birth date, if younger than 19 years of age
  - Occupation in which employed
- (2) Hours Employee Works
  - Time of day and day of week when workweek begins
  - Total hours worked each day
  - Total hours worked each workweek
- (3) Wages Earned by Employee
  - Basis on which wages are paid (e.g., "\$5 an hour," "\$200 a week," "piecework")
  - Regular hourly pay rate for any week when overtime is worked
  - Amount and nature of each payment excluded from the "regular rate"
  - Total daily or weekly straight-time earnings
  - Total overtime earnings for the workweek
  - All additions to or deductions from wages for each pay period
  - Total wages paid each pay period
  - Date of payment and pay period covered by the payment

Records with somewhat different information are required for workers with unusual pay arrangements such as: domestics, homeworkers, certain hospital and nursing home employees, tipped employees, employees whose pay includes board, lodging, or other facilities, and employees who are exempt from the minimum wage requirement.

## EXEMPTION CERTIFICATES FOR STUDENT LEARNERS

Students should, as nearly as possible, entail working conditions that are identical to those of any other beginning worker. Because employers of students are asked to provide training as well as employment, exceptions to the minimum wage can be made. Regular student learners and learners with disabilities may receive exemption from the minimum wage requirement that will allow employer to pay 75% of the minimum wage for student learners and 50% for students with disabilities.

These exemptions are obtainable by filing a Wage and Hour Form 205 for regular student learners and the Wage and Hour Form 222 for students with disabilities.

For exceptions to the minimum wage provisions, the following provisions apply:

1. Certification by the appropriate school official on an application for a special student-learner certificate shall constitute a temporary authorization for employment and at the end of 30 days, shall become the permanent student-learner certificate unless modified or denied by the Wage and Hour Division of the U.S. Department of Labor;
2. Students under 16 years of age are not eligible to receive student-learner certificates and students under 18 years of age cannot receive certificates to work in hazardous occupations, except for designated exemptions;
3. Student-learner may not be employed at the sub-minimum wage rate for more than 40 hours combination of hours of school instruction and work; and
4. Students may work for more than 40 hours per week school/work combination; however, they must be paid the prevailing wage rate for any additional hours.

In addition, the application will not be approved if:

1. The job does not require a sufficient degree of skill to necessitate a substantial learning period;
2. Another worker is displaced;
3. Wage rates or working standards of experienced workers would be depressed;
4. The occupational needs of the community or industry do not warrant the training of students at less than the statutory minimum;
5. There are serious outstanding violations of the Fair Labor Standards Act; and
6. The number of students at certificate rates is more than a small proportion of the establishment's working force.

There will be times when businesses that provide training stations are not within the jurisdiction of federal wage laws; however, all employers are covered by state or federal child labor laws. The coordinator should make certain that the employment is permitted under the child labor laws and be very careful to ensure that the students do not become a source of inexpensive manpower for the employer. Carefully developed training plans and supervision at work sites are major means of assuring compliance in these areas.

## **EMPLOYEE-EMPLOYER RELATIONSHIP FOR PERSONS WITH DISABILITIES**

As an administrative policy, Wage and Hour will not assert that physical and/or mentally retarded students' initial participation in a school work program constitutes an employment relationship if certain conditions are met.

Where ALL of the following criteria are met, the U.S. Department of Labor will NOT assert an employment relationship for purposes of the Fair Labor Standards Act.

Participants will be youth with physical and/or mental disabilities for whom competitive employment at or above the minimum wage level is not immediately obtainable and who, because of their disability, will need intensive on-going support to perform in a work setting.

- Participation will be for vocational exploration, assessment, or training in a community-based placement work site under the general supervision of public school personnel.
- Community-based placements will be clearly defined components of individual education programs developed and designed for the benefit of each student. The statement of needed transition services established for the exploration, assessment, training, or cooperative vocational education components will be included in the students' Individualized Education Program (IEP).
- Information contained in a student's IEP will not have to be made available; however, documentation as to the student's enrollment in the community-based placement program will be made available to the Departments of Labor and Education. The student and the parent or guardian of each student must be fully informed of the IEP and the community-based placement component and have indicated voluntary participation with the understanding that participation in such a component does not entitle the student-participant to wages.
- The activities of the students at the community-based placement site do not result in an immediate advantage to the business.

The Department of Labor will look at several factors.

- 1) There has been no displacement of employees, vacant positions have not been filled, employees have not been relieved of assigned duties, and the students are not performing services that, although not ordinarily performed by employees, clearly are of benefit to the business.
- 2) The students are under continued and direct supervision by either representatives of the school or by employees of the business.
- 3) Such placements are made according to the requirements of the student's IEP and not to meet the labor needs of the business.
- 4) The periods of time spent by the students at any one site or in any clearly distinguishable job classification are specifically limited by the IEP.

While the existence of an employment relationship will not be determined exclusively on the basis of the number of hours, as a general rule, each component will not exceed the following limitation during any one school year:

Vocational exploration ----- 5 hours per job experienced

Vocational assessment ----- 90 hours per job experienced

Vocational training ----- 120 hours per job experienced

Students are not entitled to employment at the business at the conclusion of their IEP. However, once a student has become an employee, the student cannot be considered a trainee at that particular community-based placement unless in a clearly distinguishable occupation.

It is important to understand that an employment relationship will exist unless all of the criteria described in this policy guidance are met. Should an employment relationship be determined to exist, participating businesses can be held responsible for full compliance with FLSA, including the child labor provisions.

Businesses and school systems may at any time consider participants to be employees and may structure the program so that the participants are compensated in accordance with the requirements of the Fair Labor Standards Act. Whenever an employment relationship is established, the business may make use of the special minimum wage provisions provided pursuant to section 14(c) of the Act.

120 hours are arbitrary classifications based strictly on the cumulative time involved. Thus, vocational exploration, assessment, and training are not segregable components of the community based on-site activities. It should be noted however, that once the individual has been involved for 215 hours in a particular occupational category that a critical analysis be made under the other criteria (particularly from the perspective as to whether the business is gaining an immediate economic advantaged from the activities of the program participant) to determine whether the individual is now an employee.

**U.S. Department of Education, September 30, 1988, Betsy Brand, Assistant Secretary**

## **WAGE PAYMENT COLLECTION LAW**

An employer must pay all wages due on regular scheduled paydays. Wages must be paid in currency or by written instrument issued by the employer and negotiable on demand at full face value unless the employee has agreed in writing to receive payment in some other form. Wages also include payment for benefits due under a company policy or contract with the employee such as vacation pay, holiday pay, sick pay, and payments to a fund for the benefit of the employee.

### **Deduction from Wages (Iowa Code 91.A5)**

An employer cannot withhold or divert any portion of an employee's wages unless the employer is required or permitted to do so by state or federal law or by order of a court of competent jurisdiction, or has written authorization from the employee to do so for any lawful purpose accruing other benefit of the employee.

The following cannot be deducted from an employee's wages:

- (1) Cash shortage in a common money till, cash box, or register operated by two or more employees or by an employee and employer.
- (2) Losses due to acceptance by an employee on behalf of the employer of checks which are subsequently dishonored if the employee has been given the discretion to accept or reject such checks and the employee does not abuse this discretion.
- (3) Losses due to breakage, lost or stolen property if these losses are not attributable to the employee's willful or intentional disregard of the employer's interests.
- (4) Gratuities received by an employee from the employer's customers.

### **Recovery of Back Wages**

The law provides the following methods for recovering unpaid wages:

- (1) Labor Commissioner may supervise payment of back wages.
- (2) Labor Commissioner may bring suit for back wages and an equal amount of liquidated damages, plus attorney's fees and court costs.
- (3) An employee may file a private suite for back pay and an equal amount of liquidated damages, plus attorney's fees and court costs.

A two-year statute of limitations applies to the recovery of back pay. The Labor Commissioner cannot accept a complaint for unpaid wages/minimum wages, which are past due for more than one year.

### **Employment Suspension or Termination**

When an employee is suspended or terminated, the employer must pay all wages earned (less any lawful deductions) by the employee up to the time of suspension or termination not later than the next regular payday.



# **CHILD LABOR LAWS**

## **Child Labor Requirements**

The United State Department of Labor administers the provisions of the Fair Labor Act. There have been several laws passed that protect the well being of youths. Many provisions are concerned with individuals who are 14-18 years old. The state laws were developed based upon the Fair Labor Standards Act. Therefore, the following provisions apply to all enterprises in Iowa.

### **14 and 15 Year Olds**

A 14 and 15 year old minor may NOT be employed:

1. During school hours.
2. Before 7 a.m. or after 7 p.m.; during summer months, June 1 to Labor Day, they can work to 9 p.m.
3. For no more than three (3) hours per day during school days.
4. For no more than 18 hours a week in school weeks.
5. For no more than eight (8) hours a day during nonschool days.
6. For no more than 40 hours a week during nonschool weeks.

### **Exceptions**

There are exceptions to some of these provisions for students enrolled in Work Experience and Career Exploration Programs (WECEP). Some of the provisions of Child Labor Regulations No. 3 are varied for 14- and 15-year olds in approved school-supervised and school-administered WECEP programs. Enrollees in WECEP may be employed:

1. During school hours.
2. For as many as three (3) hours on a school day.
3. For as many as 23 hours in a school week.
4. In occupations otherwise prohibited for which a variation has been granted by the Administrator of the Wage and Hour Division.

In addition to the above regulations, students are permitted to work in certain types of occupations such as:

1. Office and clerical work, they may operate office machines;
2. Cashier, selling, modeling, artwork, advertising departments, window trimming, and comparative shopping;
3. Price marking and tagging by hand or machine, assembling orders, packing and shelving;
4. Bagging and carrying out customers' orders;
5. Delivery work by foot, bicycle, or public transportation;
6. Clean-up work, including waxers and cleaners. Maintenance work but cannot use power equipment;

7. Kitchen work, including all duties, they may use equipment that is essential in performance of those duties;
8. Work with cars and trucks doing courtesy service, hand car washing, polishing, and cleaning; and
9. Cleaning vegetables and fruits, wrapping, sealing, labeling, weighing, pricing, and stocking goods.

### **Exceptions**

Students may not work with or around machinery that is a potential danger to them. In No. 8, students may not work in areas that have pits, racks, or any lifting apparatus or inflate tires that are mounted on a rim equipped with a removable retaining ring. No. 9 students are not allowed to work in areas of a packinghouse or meat cooler.

A cooperative education coordinator must be extremely careful when working with 14- and 15- year-old students. There are many occupations that are hazardous for this age group. The coordinator, therefore, must stay abreast of the regulations. A good rule of thumb, when dealing with 14- and 15-year old students, is that they can not work on any jobs that are hazardous. Listed below are some occupations that 14- and 15- year-old students are not allowed to work on under any circumstances:

1. Any manufacturing occupation;
2. Any mining occupation;
3. Processing occupation, such as filleting fish, dressing poultry, cracking nuts, or laundering as performed by commercial laundries;
4. Public messenger service;
5. Operating a hoisting apparatus of any power-driven machinery, exception being office machinery, dishwashers, etc., involved in a food service operation;
6. Transportation of persons or property by rail, highway, air, on water, pipeline, or other means;
7. Warehouse and storage;
8. Communication;
9. Construction;
10. Work performed in or about boiler or engine rooms;
11. Work in connection with maintenance or repair of the establishment, machines or equipment;
12. Outside window washing that involves working from windowsills, and all work requiring use of ladders, scaffolds, or their substitutes;
13. Cooking and baking, except at soda fountains, lunch counters, snack bars, or cafeteria serving counters;
14. Operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers, grinders, choppers, cutters, and bakery type mixers;
15. Work in freezers and meat coolers and all work in preparation of meats for sale. They are allowed to wrap, seal, weigh, price, and label;

16. Loading and unloading trucks, trains, or conveyors;
17. All warehouse work, except office work.

It is important for the coordinator to keep informed regarding the changing laws and to double-check each training station before placing a student.

## **16 and 17 Year Olds**

Following are conditions deemed hazardous for the employment of minors between 16 and 18 years of age.

Occupations with an \* are exempt from child labor laws for apprentices and student learners under the conditions (e.g., incidental to the training, intermittent and for brief periods of time, under close supervision, etc.) set forth on the first page of the training plan. Exemptions do not apply to student learners under age 16.

1. Manufacturing, storing, handling or transporting explosives or articles containing explosives (ammunitions, black powder, blasting caps, fireworks, high explosives, primers, smokeless powder). Exceptions are retail establishments and nonexplosives areas.
2. Engaged as a motor-vehicle driver or outside helper (in the use of an automobile truck, truck-tractor, trailer, semitrailer, motorcycle or similar vehicle on a public road, highway, near a mine, near logging or sawmill, or in an excavation) except incidental and occasional driving.
3. Engaged in coal mining, including all work underground, open-pit, or at a surface contributing to extraction, grading, clearing or other handling. Exceptions are picking slate or other refuse at a table or chute in a tippie or breaker, working in surface offices or maintenance or repair shops.
4. Work in all logging occupations or in the operation of any sawmill, lathe mill, shingle mill, or cooperage-stock mill. Exceptions include work in offices or in repair of maintenance shops; construction, operation, repair, or maintenance of living and administrative quarters; work in timber cruising, surveying or logging-engineering parties; repair or maintenance of roads, railroads or flumes; clearing fire trails or roads, piling and burning slash; maintaining fire-fighting equipment; constructing and maintaining telephone lines; acting as fire lookout or fire patrolman away from logging operations; peeling of fence posts, pulpwood, chemical-wood, excelsior wood, cordwood, or similar products when not done in conjunction with and at the same place as logging functions; and feeding or caring for animals. (Note: exceptions shall not apply to the felling or bucking of timber, the collecting or transporting of logs, the operation of power-driven machinery, the handling or use of explosives and work on trestles.)
5. Operating power-driven woodworking machines (feeding material into fixed or portable machines used or designed for doing any of the following to wood or veneer: cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening, otherwise assembling, pressing, printing, or removal of materials directly from the point of operation of circular saws and guillotine-action veneer clippers.)
6. Exposure to radioactive substances and to ionizing radiation. Includes storing or using radium; making, using, storing, processing, or packaging self-luminous compounds and incandescent mantles; and exposure to other radioactive substances and ionizing radiation that exceed federal standards.
7. Operating or assisting in the operation of power-driven hoisting apparatus (elevator, crane, derrick, hoist, and high-lift truck), including functions performed by crane hookers, crane chasers, and riggers. Exceptions include operating an unattended hoist not exceeding one-ton capacity, and riding on a freight elevator operated by an assigned operator.

8. Operating power-driven metal forming, punching and shearing machines (metal-working machines {e.g., dies, rolls, knives mounted on rams, plungers}, rolling machines {e.g. beading straightening, corrugating, flanging, bending, hot or cold rolling mills}, pressing and punching machines, {e.g. full automatic feed and ejection punch presses with fixed barrier guards, power presses, plate punches}, bending machines {e.g. apron brakes, press brakes, hammering machines, drop hammers, power hammers, shearing machines, guillotine shears, squaring shears, alligator shears, rotary shares}).
  9. Engaged in mining, other than coal. Exceptions are work in an office, warehouse, supply house, change house, laboratory, repair or maintenance shop not underground. Other exceptions include operating and maintaining living quarters; surveying, road work, general clean-up outside the mine; building and maintaining railroad track when no mining or hauling is ongoing; surface placer operations other than dredging and hydraulic; metal millwork other than mercury recovery or using cyanide; operating jigs, sludge tables, flotation cells, drier filters; hand sorting at picking table or belt.
  10. \* Operating power-driven meat processing machines (meat patty forming machines, meat and bone cutting saws, knives, headsplitters, guillotine cutters, snoutpullers and jawpullers, skinning machines, horizontal rotary washing machines, casing-cleaning machines, crushing machines, stripping machines, finishing machines, grinding machines, mixing machines, chopping machines, hashing machines, or presses machines).
  11. Operating bakery machines (dough mixer; batter mixer; bread dividing, rounding, or molding machine; dough brake; dough sheeter; combination bread slicer/wrapper; cake cutting band saw; setting up or adjusting {only} cookie or cracker machine).
  12. \* Operating, assisting with, setting up or maintaining power-driven paper-products, machines (arm-type wire stitcher or stapler, circular or band saw, corner cutter or mitering machine, corrugating and single-or double-facing machine, envelope die cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap paper baler, vertical slotter, hand-feed platen die-cutting, platen printing and punch presses).
  13. Manufacturing of brick, tile, and kindred products. Exceptions include work in offices, laboratories and storerooms, storage and shipping, and drying departments for sewer pipe.
  14. \* Operating circular saws, band saws and guillotine shears. (Note: Apprentices and student learners restricted to machines equipped with full automatic feed and ejection).
  15. Engaged in wrecking, demolition and shipbreaking, including cleanup and salvage done at razing, demolishing, or dismantling of building, bridge, steeple, tower, chimney, other structure, ship, other vessel.
  16. \* Engaged in roofing (applying weatherproofing materials and substance to roofs, the installation of roofs, alternations, additions, maintenance, or repair {including painting and coating}). (Note: Apprentices and student learners also may engage in gutter and downspout work, construction for sheathing or base of roofs, installation of television antennas, air conditioners, exhaust and ventilating equipment and similar appliances).
  17. \* Engaged in excavation (working in or backfilling trenches, building excavations, tunnels or shafts). (Note: Apprentices and student learners restricted to depths of no more than four feet, excavations whose side walls are shored or sloped to the angle of repose, and tunnels or shafts after all driving or sinking and shoring operations are completed.)
- \* Student – Learner Exemptions (See notes below regarding six criteria to follow when exercising exemptions)

## **Student-Learner Exemptions**

(The following criteria should be met when exercising student-learner exemptions)

1. The student-learner is enrolled in a cooperative vocational training program under a recognized state or local educational agency.
2. There is a written training agreement.
3. The work shall be intermittent and for short periods of time.
4. Safety instructions shall be given by the school and correlated by the employer with on-the-job training by the employer.
5. An organized and progressive work process to be performed on the job shall have been prepared.
6. A signed training agreement on file with school and employer.

## **Agricultural Employment**

The provisions for work in agriculture are less restrictive than those for non-agriculture occupations. Be aware, however, that “agricultural,” in terms of FSLA, refers to family farms, not agricultural operations that ship their products across State lines or those who work or process products other than their own.

### **Age limitations**

*Under 12 Years of Age.* Youths under 12 years old may perform jobs on farms owned or operated by parents or with parents’ written consent, outside of school hours in nonhazardous jobs on farms not covered by minimum wage requirements.

*12 and 13 Years of Age.* Youths 12 and 13 years old may work outside of school hours in nonhazardous jobs, either with parent’s written consent or on the same farm as the parents.

*14 and 15 Years of Age.* Youths 14 and 15 years old may perform any nonhazardous job outside of school hours.

*16 and 17 Year of Age.* Youth 16 years and older may perform any agricultural job, whether hazardous or not, for unlimited hours.

### **Hazardous Agricultural Occupations**

The following occupations in agriculture are hazardous. Minors under 16 may not be employed at any time in these occupations unless working for a parent on a farm owned or operated by that parent.

1. Operating a tractor of over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor.
2. Operating or assisting to operate any of the following machines: Corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, or mobile pea viner; feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism of a nongravity-type self-unloading wagon or trailer; power post-hole digger, power post driver, or nonwalking-type rotary tiller.

**Driving a Motor Vehicle.** For nonfarm jobs, almost all driving of motor vehicles on public roads and highways is prohibited by Hazardous Occupations Order 2. The driving restriction even applies to student-learners and apprentices who, based on special provisions, are allowed to work in certain hazardous occupations. For farm jobs, minors may drive on the farm, but not on a public highway.

**Motor vehicle driving and outside helper.** This order prohibits minors under eighteen from being employed as a motor vehicle driver or outside helper on any public road or highway. A sixteen or seventeen year-old may be considered exempt from this order if all of the following conditions are met: 1) the automobile or truck does not exceed 6,000 pounds gross vehicle weight; 2) the driving is restricted to daylight hours; 3) such operation is occasional (no more than once in a work week or four times in a calendar month; 4) incidental (<20% of workday; < 5% of work week); 5) minor possesses a valid driver's license; 6) he/she has completed a State approved driver education course; 7) the vehicle is equipped with a seat belt for the driver and each helper and the employer has instructed each child that they must be used; and 8) the operation does not involve the towing of other vehicles.

**Transportation.** Insurance liability issues arise in work-based learning activities because students are required to leave school premises in order to continue learning at the workplace. Individuals should seek legal advice on issues regarding transporting students. The following are the most common forms of student transportation to and from the worksite and the coverage that will, in most situations, apply.

Transportation	Liability Coverage
School transports the student on school bus.	School bus insurance coverage extends.
Employer provides van to transport student employees.	Employer's insurance coverage extends.
Student uses public transportation.	School's coverage extends where applicable.
Student drives own vehicle	Student's personal auto insurance coverage extends.

In all cases, parents of secondary students should sign transportation agreements before students are permitted to travel to and from worksites. When students drive personal vehicles, conditions of transportation should be reviewed and defined. Typically, these conditions include:

- Verification of student driver's license and insurance coverage
- Limiting transportation to student driver (e.g. no passengers); and
- Limiting transportation for the sole purpose of getting to and from the worksite.

Public Law 105-334, which became effective on October 31, 1998, amends the FLSA to modify HO 2. One major change implemented by the amendment sets a minimum age of 17 for any on-the-job driving on public roadways.

No employee under 17 years of age may drive on public roadways as part of  
his or her job if that employment is subject to the FLSA.

Seventeen-year-olds may drive on public roadways as part of their employment, but **ONLY** if all of the following requirements are met:

- The driving is limited to daylight hours;
- The 17 year-old holds a State licensure valid for the type of driving involved in the job performed;
- The 17 year-old has successfully completed a State approved driver education course and has no record of any moving violation at the time of hire;
- The automobile or truck is equipped with a seat belt for the driver and any passengers and the employer has instructed the youth that the seat belts must be used when driving the vehicle;
- The automobile or truck does not exceed 6,000 pounds gross vehicle weight

**The driving may not involve:**

- Towing vehicles;
- Route deliveries or route sales;
- Transportation for hire of property, goods, or passengers;
- Urgent, time-sensitive deliveries;
- Transporting more than three passengers, including employees of the employer;
- Driving beyond a 30 mile radius from the youth's place of employment
- More than two trips away from the primary place of employment in any single day to transport passengers, other than employees of the employer; and,
- Such driving is only occasional and incidental to the 17 year-old's employment. This means that the youth may spend no more than one-third of the work-time in any workday and no more than 20 percent of the work-time in any workweek driving.

# LEGAL OPINIONS

## Definitions

*In Loco Parentis:* In the place of parent.

*Negligence:* Doing something that a reasonable, prudent person would not do under the circumstances or not doing something that a reasonable, prudent person would do under the circumstances.

*NOTE:* Circumstances play a most critical role in the determination of negligence.

*Wanton:* Lack of discipline, manifesting disregard of justice or rights and safety of others. Having no just foundation or real provocation. Being without check or limitation.

1. Each problem is unique and should be decided on an individual basis.
2. Every individual is responsible for his/her own actions. Do not use the excuse that a regulation or nonregulation are rules of other (administration).
3. One cannot be held responsible for what one cannot predict. Time and circumstances are important elements in prediction of actions.
4. When transporting students, make sure that your car is adequately covered by proper insurance.
5. Workstations should be carefully scrutinized before a student is placed for the purpose of employment.
6. Educators should become aware of safety records of participating firms. Check OSHA accident records.
7. If instruction is required, or determined as needed, it must be provided. Provide proof that one has taught safety in the related classroom.
8. Generally, the liabilities related to students going to and from work is the same as they are for students going to and from school. It is wise to have proof that the parents are aware that their son or daughter is in a cooperative education program and driving to and from work.
9. One cannot sign away the rights of another.
10. The key to liability in a case rests in three words: wanton, willful, and foreseeable.



# EQUITY

## **Access for All Students**

All partners in providing workplace learning must be committed to ensuring equal access to all students, regardless of race, color, national origin, gender and disability.

While legislation requires a safe environment for all, recent legislation specifically addresses sexual harassment and racial harassment. All partners have a duty to provide an educational environment that is safe and does not discriminate. Business/industry partners must also realize that, once they provide the workplace learning component, they must ensure a safe environment and comply with all civil rights laws. Otherwise, they are placing themselves and their education partners in legal jeopardy.

Students--If someone told a student in an education or work setting that the student could not do something because of the student's gender or race, or because the student had a disability, the student should know what laws guarantee the right to participate.

Parents--If someone told a parent that the child should not enter a specific educational institution or program because the child would probably not be employable because of the child's race, gender, or disability, the parent should know what laws guarantee the child's right to participate.

Employers--Employers must be prepared to offer equal access, equal treatment and freedom from harassment. These laws prohibit educational institutions from entering into any contractual agreement with an employer who discriminates.

Teachers--If a student complains to a teacher that the student has not been allowed to fully participate in any educational component because of race, gender or disability, the teacher is responsible for reporting the complaint to the proper compliance official.

Workplace Coordinators--Coordinators are responsible for ensuring that all students have access to any educational component regardless of race, gender or disability. The coordinator will need to communicate the laws as a first step when entering into agreement with any agency, educational institution or private business or industry. It is important to monitor activities to ensure equal access, equal treatment, and freedom from harassment. In addition, all participants must have access to a grievance resolution procedure.

## **Equal Access Requirements**

1. The local educational agency must ensure that students participating in cooperative education, work study, placement and/or apprenticeship training have the same opportunities regardless of race, color, national origin, or disability.\*
  - a. The listing of jobs and referring students for job interviews must be without regard to race, color, national origin, gender or disability.
  - b. Students placed must receive equal treatment with regard to task assignments, hours of employment, responsibility levels and pay.
  - c. An employer's request for students of a particular gender, race, color or nationality cannot be honored.
  - d. Minority students should be informed of, and assisted in acquiring, employment and provided with appropriate follow-up support once placed.
2. Written assurances of nondiscrimination must be obtained from labor unions, businesses, industrial plants and other employers to whom students are referred or assigned. Districts meet this requirement by including a nondiscrimination statement with all employers, union, or other sponsor agreements, such as training agreements, training plans, and contracts.

\* The above are legal requirements of the following laws:

1. Title VI of the Civil Rights Act of 1964.
2. Title IX of the Education Amendments of 1972.
3. Section 504 of the Rehabilitation Act of 1973.
4. Equal Education Opportunity Act of 1974.
5. Individuals with Disabilities Education Act (IDEA) of 1975
6. Title II, Americans with Disabilities Act (ADA) 1990
7. Title II, Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990.
8. School-to-Work Opportunities Act of 1994.

### **This Statement should be included in the training agreement.**

It is the policy of this company not to discriminate against employees or customers and to provide an environment free of racial and sexual harassment. Students will be accepted for on-the-job training, clinical or work experiences, assigned to jobs and otherwise treated without regard to race, color, national origin, gender, marital status, or disability.

## **IOWA TAX BENEFITS**

### **Iowa Tax Benefit for Businesses Who Hire Persons With Disabilities**

Iowa employers that meet the following criteria are allowed an additional deduction on their Iowa income tax returns for hiring persons with disabilities. This deduction is 65 percent of the wages paid in the first 12 months of employment; the deduction ceiling is \$20,000 per employee. Please note only those employers that meet the "small business" definition can claim the deduction for employing persons with disabilities.

- The qualifying employee may be any age; no age restrictions apply.
- The qualifying employee must be a new hire. A current employee who becomes disabled or becomes an ex-offender does not qualify.
- The qualifying employee does not have to be employed full time.

A small business is one organized for profit or non-profit, including but not limited to a corporation, a sole proprietorship, partnership, joint venture, association, or cooperative. This includes farm operations. It does not include the practice of a profession.

A small business cannot have more than 20 full-time equivalent employees and more than \$3 million of annual gross revenues. "Full time" means any of the following: a position requiring an average work week of 40 hours; one in which compensation is paid on a salaried full-time basis without regard to hours worked; an aggregation of any number of part-time positions which equal one full-time position.

A person with a disability is anyone who

- has a physical or mental impairment which substantially limits one or more major life activities or
- has a history of impairment or
- is regarded as having an impairment

This includes, but is not limited to, physiological disorders and conditions, cosmetic disfigurement, anatomical loss, and any mental or psychological disorder.

A person does not have to be certified by the State Division of Vocational Rehabilitation as having a disability. However, if such certification exists, that person automatically qualifies for the deduction.

## **Iowa Tax Benefit for Businesses Hiring Ex-Offenders**

An ex-offender is defined as someone who

- has been convicted of a felony in this or any other state or the District of Columbia or
- is on parole or
- is on probation for an offense other than a simple misdemeanor or
- is in a work release program or
- qualifies under the interstate probation and parole compact

An ex-offender must meet the following criteria to qualify for the deduction

- the ex-offender must pass the business' probationary period. If a corporation does not have a written policy, the probationary period is six months for the purpose of this deduction.
- the ex-offender must not be hired to replace another employee who was terminated within the previous 12 months unless that employee was terminated for misconduct in connection with employment. If the employee left voluntarily, the ex-offender will qualify for the deduction.

Iowa employer who meet the following criteria are allowed an additional deduction of their Iowa income tax returns for hiring ex-offenders. This deduction is 65 percent of the wages paid in the first 12 months of employment.

- The employer claims the deduction on the Iowa 1040 individual income tax return under an "other adjustments" category or on the Iowa corporation income tax return under an "other reductions" category.
- If 65 percent of an employee's wages does not meet the \$20,000 maximum in a single tax year, the balance may be claimed the following year to the extent that the employee has worked fewer than 12 months.
- If a business employed an ex-offender prior to learning of this benefit, the employer may amend income tax returns to include the deduction. Returns can only be amended within three years from the due date of the return.
- An employer claiming the additional deduction must submit a separate sheet with the tax return with the following information: the employee's name, address, Social Security number, date of hiring, and total wages paid.
- The qualifying employee may be any age; no age restrictions apply.
- The qualifying employee must be a new hire. A current employee who becomes an ex-offender does not qualify.
- The qualifying person may hold more than one job; each employer may take the deduction.
- The qualifying employee does not have to be employed full-time.

# **IMMIGRATION**

## **Immigration Reform and Control Act 1986**

### *Why Employers Must Verify Employment Eligibility of New Employees*

The Immigration Reform and Control Act of 1986, is the most comprehensive reform of our immigration laws since 1952. In recent years, our nation has been increasingly affected by illegal immigration. This law, passed by Congress through a bipartisan effort, preserves our tradition of legal immigration while closing the back door to illegal entry. By combining prohibitions against employing illegal entrant (or those aliens, such as tourists, who legally enter the United States, but are not authorized to work while they are here) with increased border enforcement, the law represents a step forward in the effort to secure our nation's borders.

Employment is often the magnet that attracts persons to come to or stay in the United States illegally. The purpose of the new law is to remove the magnet by requiring employers to hire only citizens and aliens who are authorized to work here.

This new law was strongly supported by the American public. Employers will want to join the effort to protect our heritage of legal immigration and to preserve jobs for those who are legally entitled to them. This cooperation will make jobs available to American citizens and to aliens who are authorized to work in our country. It also can be a means to help people get off welfare and into jobs. Further, it is a good business practice for you to verify the identity of your workers. The law deserves your support.

The Form I-9 has been developed for verifying that persons are eligible to work in the United States. The following instructions will help you assess your responsibilities for completing the Form and understanding the law.

The law requires you as an employer to do five things:

1. Have your employees fill out their part of the Form I-9 when they start to work;
2. Check documents establishing employees' identity and eligibility to work;
3. Properly complete the Form I-9;
4. Retain the Form for at least three years (if you employ the person for more than three years), you must retain the Form until one year after the person leaves your employment; and
5. Present the Form for inspection to an INS or Department of Labor (DOL) officer upon request. You will be given at least three days advance notice.

### **Unlawful Discrimination**

The new immigration law also prohibits discrimination. Under the law, if you have four or more employees, you may not discriminate against any individual (other than an unauthorized alien) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or, in the case of a citizen or intending citizen, because of his or her citizenship status.

## **Penalties for Prohibited Practices**

*Hiring or continuing to employ unauthorized employees.* Employers determined to have knowingly hired unauthorized employees (or to be continuing to employ person knowing that they are or have become unauthorized) may be fined as follows:

- First Violation. Not less than \$250 and not more than \$2,000 for each unauthorized employee.
- Second Violation. Not less than \$2,000 and not more than \$5,000 for each unauthorized employee.
- Subsequent Violations. Not less than \$3,000 and not more than \$10,000 for each unauthorized employee.

## **Documents That Establish Identity**

### **For individuals 16 years of age or older**

- State-issued driver's license or state-issued identification card containing a photograph. If the driver's license or identification card does not contain a photograph, identifying information should be included, such as name, date of birth, sex, height, color of eyes, and address.
- School identification card with a photograph.
- Voter's registration card.

### **For individuals under age 16, who are unable to produce one of the documents listed above:**

- School record or report card.
- Clinic doctor or hospital record.
- Daycare or nursery school record.

### **Documents That Establish Employment Eligibility**

- Original Social Security Card
- Original or certified copy of a birth certificate issued by a state, county, or municipal authority bearing an official seal.
- Certification of Birth issued by the Department of State (Form FS-545)

## **Some Questions You May Have About the Form I-9**

*Q. Do United States citizens need to prove they are eligible to work?*

A. Yes. While United States citizens are automatically eligible for employment, they must provide the required documents and complete the Form I-9.

*Q. Do I need to complete an I-9 for everyone who applies for a job with my company?*

A. No. You need to complete I-9's only for people you actually hire. For purposes of the new law, a person is "hired" when he or she begins to work for you.

- Q. If someone accepts a job with my company, but will not start work for a month, can I complete the I-9 when the employee accepts the job?*
- A. Yes. While the law requires you to complete the I-9 when the person actually begins working, you may complete the Form when he or she accepts the job.
- Q. Do I need to fill out an I-9 for independent contractors for their employees?*
- A. No. For example, if you contract with another company to provide temporary secretarial services, you do not have to complete I-9's for that company's employees. The other company is responsible for completing the I-9's for its own employees. However, you must not knowingly use contract labor to circumvent the law against hiring unauthorized workers.
- Q. Do I need to complete an I-9 for people I hired after November 6, 1986, if they left the job before June 1, 1987?*
- A. No.
- Q. Does the new laws apply to my current employees if I hired them before it was passed?*
- A. No. You are not required to verify status or complete I-9's for current employees hired before November 7, 1986. However, if you choose to complete I-9's for these employees, you should do so for all your current employees hired before November 7, 1986.

## **PHYSICAL EDUCATION PROGRAMS**

281.12(5)f(1) Students in grade twelve may be excused from physical education by the principal, if requested in writing by the parent and if the student is enrolled in a cooperative or work study program or other educational program authorized by the school which requires the students to leave the school premises during the school day.

### **Iowa Centralized Employee Registry**

Sec. 37. Section 252G.3, subsection 1, Code Supplement 1993

Beginning January 1, 1994, an employer who hires or rehires an employee on or after January 11, 1994, shall report the hiring or rehiring of the employee to the centralized employee registry within fifteen days of the hiring or rehiring of the employee. Employers shall report employees who, on the date of hire or rehire, are eighteen years of age or older, and may report employees who, on the date of hire or rehire, are under eighteen years of age.

### **Unemployment Compensation Insurance**

#### **345.4.53(96) Noncovered school related employment.**

4.53(1) Pursuant to rule 3.20(96), wages earned by a student who performs services in the employ of a school at which the student is enrolled and is regularly attending classes (either on a full-time or part-time basis) cannot be used as wage credits for claim and benefit purposes.

4.53(3) Pursuant to rule 3.21(96), wages earned by a student who is enrolled at a non-profit or public educational institution under a program taken for credit at such institution that combines academic instruction with work experience are normally excluded from the definition of employment. Provided, however, that work performed by such individual in excess of the hours called for in the contract between the school and the employer or performed in a period of time during which the institution is on a regularly scheduled vacation and for which such student receives no academic credit shall be considered an insured employment.

#### **Sample statement to be placed in a training agreement.**

The earnings of students employed under a cooperative training agreement are exempt from both state and federal unemployment. Earnings do not have to be reported and unemployment compensation cannot be claimed by the student.



## **WORK PERMITS IOWA CODE, CHAPTER 92**

### **92.10 Permit on file.**

A person under sixteen years of age shall not be employed or permitted to work with or without compensation unless the person, firm, or corporation employing such person receives and keeps on file accessible to any officer charged with the enforcement of this chapter, a work permit issued as provided in this chapter, and keeps a complete list of the names and ages of all such persons under sixteen years of age employed.

Certificates of age shall be issued for persons sixteen and seventeen years of age and for all other persons eighteen and over upon request of the person's prospective employer.

### **92.14 Contents of work permit.**

Every work permit shall state the date of issuance, name, sex, the date and place of birth, the residence of the child in whose name it is issued, the color of hair and eyes, the height and weight, the proof of age, the school grade completed, the name and location of the establishment where the child is to be employed, the industry, specified occupation, a brief description of duties for which the permit is issued, that the papers required for its issuance have been duly examined, approved, and filed, and that the person named therein has personally appeared before the officer issuing the permit and has been examined.

### **92.16 Forms for permits furnished.**

The proper forms for the work permit, the employer's agreement, the school record, the certificate of age, and the physician's certificate shall be formulated by the labor commissioner and furnished to the issuing authorities.

Work permits may be obtained from:

Marcielle Rockwell  
Iowa Division of Labor  
1000 E. Grand Avenue  
Des Moines, Iowa 50319  
(515) 281-8493  
or your local  
Workforce Development Office

# **RISK MANAGEMENT**

## **Liability Issues**

Students must be provided a safe environment in the school setting and at the work-site. Educational institutions and employers must also be protected from unnecessary liability. Students do not require special insurance; these activities are already covered in the liability policy of the school or school district. Questions of liability become more complex when students participate in workplace learning experiences. It may include paid work experience, job shadowing, school-sponsored enterprises, and on-the-job training for academic credit.

Exposure to liability for educational institutions and their employees is divided between (1) injury to the student, and (2) injury caused by the student to another person or to property belonging to another person.

## **Injury to the Student**

When a student is an employee of the educational institution (such as an employee of a school-based enterprise), state workers' compensation laws generally apply. In this case, coverage under workers' compensation is the student's exclusive remedy.

## **Liability of Employers**

The issue of liability arises whenever any business entity has individuals on its work site. The type of liability will depend on whether the student is considered an employee or an invitee of the business. The employer's exposure to liability is usually no different than that which exists relative to its employees and the general public (such as persons invited to the work-site).

A student who is considered an employee and whose injury arises out of and in the scope of the participant's job duties is subject to the exclusive remedies provided through the workers' compensation benefit delivery system.

If a student is not an employee of the business, and the student is injured on the work-site, a lawsuit can be filed. This remedy exists for any non-employee, not just students who have a workplace learning component in their school program.

The business can protect itself by obtaining insurance or by determining with its insurance carrier whether its insurance is sufficient to cover students on the work-site. Insurance agents and their associations are good resources, should you have specific questions.

## **Injuries or Damages Caused by Students**

Businesses that sponsor work-site learning activities may be liable for the damages or injuries caused by the students involved in school programs if the student is:

- acting on behalf of the participating business, or
- acting with the actual or apparent authorization of the business; and
- the student is negligent; and
- that act results in injury to customers, passer by, visitors or the general public; or damage to the property of customers, passers by or the general public.

If a student does something that causes injury to an employee in the work place, that injury would typically be covered by workers' compensation and to the benefits provided by compensation coverage.

## **Consent Forms**

“Informed” consent forms are documents that apprise the participant (and parents or guardians) in detail of the risks involved in the activity that he/she is about to perform. Participants sign the document indicating that they have read and understand the risks involved and agree not to bring a lawsuit for any harm resulting from the identified risks. Consent forms are generally upheld by courts, but they do not excuse a company from responsibilities for its own negligence. Examples would be consent forms to allow students to ride with a parent volunteer on a field trip, or use of a training agreement for a teen to work as an unpaid trainee.

## **Permission Slips**

Permission slips are documents that inform parents and guardians about the nature, location, and details of an activity. Permission slips are helpful as a form of protection to a company—a well-informed parent or guardian may not be as likely to bring suit. Permission slips would be used to inform parents and guardians about student field trips and job shadowing events.

## **Recommended Practices and Procedures**

### *Address Insurance and Liability Issues*

- Consult with an attorney about the range of legal issues and their application.
- Involve insurance industry partners early in your design of workplace learning experiences.
- Address employer concerns: invite experts (such as attorneys and state department of labor officials) to answer employer questions about insurance and liability in workshop or in a letter to representatives of potential work-site learning activities.

## **Confirm Workers’ Compensation Coverage**

The following list of practices is intended to ensure that students involved in workplace learning as employees are covered by appropriate compensation coverage in the event they are injured on-the-job. These practices can also protect employers and schools from liability. Workplace learning supervisors/coordinators should:

Presume that workers’ compensation coverage is required in the cases of workplace learning components where the student is an employee.

Confirm employer’s workers’ compensation coverage with the appropriate legal authority. Insurance carriers can provide a “certificate of insurance.” Carriers provide these certificates routinely to a variety of businesses and individuals. When requesting them, you may also ask carriers to notify you of cancellation or lapsed coverage. (Policies are often canceled for non-payment of the premium.) Self-insured employers and members of a self-insurance group can provide copies of their authorization from the State Workers Compensation Court.

## **Reduce the Risk Factors**

The following practices are intended to reduce the likelihood of an incident that might cause injury to student and protect employers and schools from potential liability. In the development of career exploration, career awareness, job shadowing, or unpaid work experience activities, the workplace supervisor/coordinator should:

Create a written agreement specifying the purposes and limitations of the activity. This agreement should include:

- the amount of time to be committed to the activity (limited to the time needed to achieve the desired objective); and the activities in which participants will engage.

Limit the risk to students by:

- integrating safety and health training into all curriculum as a component of general workplace competencies;
- providing industry-specific safety training to students as they progress in the program;
- providing activity-specific safety and health training to students ready to participate in the workplace learning component (provided either by the employer or with the employer and teacher working together, depending on the workplace learning experience); and
- documenting all training provided.

## HOUSE FILE 2443

### COMMUNITY COLLEGES

An act relating to State workers' compensation coverage for students at a community college participating in school-to-work programs.

Be it enacted by the General Assembly of the State of Iowa:

Section 1. Section 85.61, subsection 2, unnumbered paragraph 2, Code Supplement 1997, is amended to read as follows:

"Employer" also includes and applies to an eligible postsecondary institution as defined in section 261C.3, subsection 1, a school corporation, or an accredited nonpublic school if a student enrolled in the eligible postsecondary institution, school corporation, or accredited nonpublic school is providing unpaid services under a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs "a" through "f". However, if ~~such~~ a student participating in a school-to-work program is participating in open enrollment under section 282.18, "employer" means the receiving district. "Employer" also includes and applies to a community college as defined in section 260C.2, if a student enrolled in the community college is providing unpaid services under a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs "a" through "f", and that is offered by the community college pursuant to a contractual agreement with a school corporation or accredited nonpublic school to provide the program. If a student participating in a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs "a" through "f", is paid for services provided under the program, "employer" means any entity otherwise defined as an employer under this subsection which pays the student for providing services under the program.

Section 2. Section 85.61, subsection 11, unnumbered paragraph 5, Code Supplement 1997, is amended to read as follows: "Worker" or "employee" includes a student enrolled in a public school corporation or accredited nonpublic school who is participating in a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs "a" through "f". "Worker" or "employee" also includes a student enrolled in a community college as defined in section 260C.2, who is participating in a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs "a" through "f" and that is offered by the community college pursuant to a contractual agreement with a school corporation or accredited nonpublic school to provide the program.

**SF 361**  
**KINDERGARTEN THROUGH 12<sup>TH</sup> GRADE**

Section 1. Section 85.20, Code 1997, is amended to read as follows:

**85.20 RIGHTS OF EMPLOYEE EXCLUSIVE.**

The rights and remedies provided in this chapter, chapter 85A or chapter 85B for an employee, or a student participating in a school-to-work program as provided in section 85.61, on account of injury, occupational disease or occupational hearing loss for which benefits under this chapter, chapter 85A or chapter 85B are recoverable, shall be the exclusive and only rights and remedies of ~~such~~ the employee or student, the employee's or student's personal or legal representatives, dependents, or next of kin, at common law or otherwise, on account of such injury, occupational disease, or occupational hearing loss against any of the following:

1. Against the employee's employer; ~~or~~
2. Against any other employee of such employer, provided that such injury, occupational disease, or occupational hearing loss arises out of and in the course of such employment and is not caused by the other employee's gross negligence amounting to such lack of care as to amount to wanton neglect for the safety of another.
3. For a student participating in a school-to-work program, against the student's school district of residence, receiving school district if the student is participating in open enrollment under section 282.18, accredited nonpublic school, community college, and directors, officers, authorities, and employees of the applicable school corporation.

Section 2. Section 85.60, Code 1997, is amended to read as follows:

**85.60 INJURIES WHILE IN EMPLOYEMENT TRAINING OR EVALUATION.**

A person participating in a school-to-work program referred to in section 85.61, receiving earnings while engaged in employment training or while undergoing an employment evaluation under the direction of a rehabilitation facility approved for purchase-of-service contracts or for referrals by the department of human services or the department of education, who sustains an injury arising out of and in the course of the school-to-work program participation, employment training or employment evaluation is entitled to benefits as provided in this chapter, chapter 85A, chapter 85B, and chapter 86. Notwithstanding the minimum benefit provisions of this chapter, ~~such~~ a person referred to in this section and entitled to benefits under this chapter is entitled to receive a minimum weekly benefit amount for a permanent partial disability under section 85.34, subsection 2, or for a permanent total disability under section 85.34, subsection 3, equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage computed pursuant to section 96.3 and in effect at the time of the injury.

Section 3. Section 85.61, subsection 2, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "Employer" also includes and applies to an eligible postsecondary institution as defined in section 261C.3, subsection 1, a school corporation, or an accredited nonpublic school if a student enrolled in the eligible postsecondary institution, school corporation, or accredited nonpublic school is providing unpaid services under a school-to-work program that includes, but is not limited to the components provided for in section 258.10, subsection 2, paragraphs "a" through "f". However, if such a student is participating in open enrollment under section 282.18, "employer" means the receiving district. If a student participating in a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs "a" through "f", is paid for services provided under the program, "employer" means any entity otherwise defined as an employer under this subsection which pays the student for providing services under the program.

Section 4. Section 85.61, subsection 11, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. “*Worker*” or “*employee*” includes a student enrolled in a public school corporation accredited nonpublic school who is participating in a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs “a” through “f”.

Section 5. Section 87.4, unnumbered paragraph 2, Code 1997, is amended to read as follows:

A self-insurance association formed under this section and an association comprised of cities or counties, or both, or community colleges as defined in section 260C.2, or school corporations, or both, which have entered into an agreement under chapter 28E for the purpose of establishing a self insured program for the payment of workers’ compensation benefits are exempt from taxation under section 432.1.

Section 6. Section 258.10, Code 1997, is amended to read as follows:

**258.10 POWERS OF DISTRICT BOARDS.**

1. The board of directors of ~~any~~ a school district ~~is authorized to~~ may carry on prevocational and vocational instruction in subjects relating to agriculture, commerce, industry, and home economics, and to pay the expense of such instruction in the same way as the expenses for other subjects in the public schools are ~~now~~ paid.

2. The board of directors of a school district may establish and maintain school-to-work programs including alternative learning opportunities through which students may obtain skills or training outside the classroom. School-to-work programs include, but are not limited to, the following:

a. Short-term job shadowing opportunities for students to explore career interests by observing work at a workplace or to include a series of visits to various workplaces and time spent with individual workers to observe specific jobs.

b. Structured work experiences integrating school and work-based experiences in an internship that may be an extension of a job shadowing experience.

c. Mentoring experiences providing students with a formal relationship with a worksite role model who shares career insights and teaches students specific work-related skills.

d. Career oriented work experiences tied to school lessons through formal or informal training agreements, formal learning plans or mentoring, by workplace personnel who may be paid or unpaid, and which may earn students credit toward graduation.

e. Structured on-the-job training or apprenticeships for students, who are enrolled in a technical or professional program that leads to a high school diploma, advanced certificate of mastery, or associate degree.

f. Work experiences available to students in school and community placements directly supervised by a school district or community college staff member.

3. The board may provide worker’s compensation coverage by insuring, or self-insuring as provided in section 87.4, students participating in unpaid school-to-work programs. A school district’s liability to students injured while participating in an unpaid school-to-work program is as provided in section 85.20.

# **STUDENT RECORDS**

## **Educators' Responsibilities for Student Records: A Model Policy and Model Rules**

### **Dissemination of Student Personnel Record Data**

Student records are an essential part of the educational process. To serve this end, information about students which is required by law, or which is considered necessary in accomplishing the educational goals and objectives established by the school district and its sub-units, should be collected and maintained under the supervision of the professional and nonprofessional certificated staff.

Collection, dissemination and retention of all student information should be controlled by procedures designed to implement the primary task of the district and its sub-units, while protecting individual rights in the best interest of the students and preserving the confidential nature of the various types of records.

The intent of rules concerning student records is to establish policy and procedures, to protect the rights of the individual, and to emphasize the concept of free flow of information between parents, student, and school.

### **Sources of Requests for Information**

A student's parent or designated representative shall have access to educational records by scheduled appointments.

Only certificated school personnel who have a proper educational purpose shall have access to student records. Staff members shall respect and observe the importance of the student record. The utmost personal and professional responsibility is required in the uses to which they put their special knowledge about a student.

### **Other**

No other person such as an employer may have access to any data in a student's records except under one of the following circumstances:

When proper written consent of the access of such records has been obtained.

- a. The student's parent must give the consent. However, when a student reaches the age of 18 years, his or her consent and not that of the parents must be obtained for access of the information.
- b. The written consent must specify the records to be accessible and to whom they are to be accessible. Each request for consent must be handled separately. Blanket permission for the access of the information shall not be honored.

### **Notice to Students and Parents - Directory Information**

The student handbook or similar publication given to each student contains general information about the school and shall contain the following statement, which shall also be published at least annually in a prominent place in a newspaper of general circulation in the school district.



The following information may be released to the public in regard to any individual student of the school district as necessity or desirability arises. Any student, parent or guardian not wanting this information released to the public must make objection in writing to the principal or other person in charge of the school, which the student is attending. It is desirable to renew this objection at the beginning of each school year.

Name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous school or institution attended by the student and other similar information.

### **Nonpublic School Students Enrolled in Public School Offerings**

The public school records of a nonpublic school student attending the public schools shall be available to the parents of that student to the extent that student is in attendance in schools belonging to this district.

The education records of a nonpublic school student enrolled in courses or receiving services from this school district may be shared with the certificated staff of the nonpublic school in which the student is also enrolled, provided that the parents of the student are notified.

### **Third Party Permission Release**

Except for the release of directory information, every time confidential information regarding a student is released to other than the student, parent or local school personnel, it shall be accompanied by a letter indicating the confidentiality of the material and the necessity for obtaining written consent prior to release of any information by the third party.

### **Notice of Rights**

The school administration shall have cause to publish, at least annually, in a newspaper of general circulation in the district and in appropriate school publications, notification of the rights accorded students and parents under school rules governing student records. Notice shall be sent individually in the language of the parent, or student over the age of 18, if the language other than English is necessary to communicate notice.

## PRACTITIONER LICENSURE

### **Iowa General Assembly, Iowa Code 1995: Section 272.2**

The Board of Educational Examiners is created to exercise the exclusive authority to license practitioners. Licensing authority includes the authority to establish criteria for the licenses, including but not limited to, issuance and renewal requirements, creation of application and renewal forms, creation of licenses that authorize different instructional functions or specialties, development of a code of professional rights and responsibilities.

### **Iowa Code 195: Section 272.7**

A person employed as a practitioner shall hold a valid license with an endorsement for the type of services for which the person is employed.

Teachers with the above endorsements may supervise students working in that endorsement area only. The exception is the teacher with the Multi-occupations endorsement; this teacher is authorized to supervise students in all occupational areas.

Any individual who is supervising students in the workplace and planning and/or monitoring their educational experiences in the work-site must be a properly licensed teacher.

If the work-site placement is occasional and is not a major portion of the instructor's job duties than the work-site component is considered another method of instruction and the instructor does not need to hold a coordinator's endorsement. However, if a major portion of the instructor's job duties are placing and supervising students in the work-site, then the instructor must hold the coordinator endorsement.

If the work-site supervision component is considered a unit within a class in the instructor's properly endorsed content area, then the work-site supervision is not a major portion of the instructor's job duties and the instructor would not need a special endorsement.

**Example I.** If a journalism instructor provides educational opportunities in journalism in the work-site for students to observe for a limited number of days as a part of the journalism class, then the instructor need not hold the special endorsement.

**Example II.** If the English teacher is placing and supervising students in the workplace to observe only as a part of a job skills unit in the English class regular curriculum, then the instructor need not hold the special endorsement.

If a separate credit or portion of a credit is earned by the student for the work-site learning component, then the instructor must hold a valid license with the special endorsement.

**Example I.** If the students are working for a period of days and separate credit is granted for this work-site component, then the instructor must hold the special endorsement.

**Example II.** If the journalism instructor is placing and supervising students in the work-site in a variety of occupational areas such as construction and health occupations in addition to journalism, then the instructor must hold the special endorsement.

## **SPECIAL ENDORSEMENTS**

- \* A Multi-occupational endorsement will authorize a teacher to supervise students in all occupational areas.
- \* Teacher with the following endorsements may supervise students working in that endorsement area only:

- 300 - Agriscience/Agribusiness
- 301 - Marketing/Dist Education
- 302 - Office Education
- 303 - Consumer/Homemaking Ed
- 304 - Occupational Home Ec
- 306 - Health Occupations
- 307 - Trade and Industrial

### **16.1(6) Multi-Occupations**

Completion of any 7-12 endorsement and in addition, thereto, course work in foundations of vocational and career education, coordination of cooperative programs and competency based curriculum development. Four thousand hours of occupational experience in two or more occupations.

For information contact:

***Gary Borlaug, Consultant  
Bureau of Practitioner, Preparation and Licensure  
Iowa Department of Education  
(515)-281-3483***

# WORK PERMIT AND CERTIFICATE OF AGE

## Iowa Child Labor Form (62-2203) 09/00

The minor named below is hereby allowed to work only during the hours listed and at the establishment and duties listed on this permit. Any deviations from the hours or duties shall subject the employer and/or parents/guardian/custodian of the minor to prosecution as set forth in Iowa Code sections 92.19 and 92.20. All information on this form is to be legibly printed or typed, except for signatures. All shaded areas are to be completed by the issuing officer: Contact the Division of Labor, 1000 East Grand Ave., Des Moines Iowa 50319 or call (515) 281-6432.

STREET TRADES PERMIT  
AGE 10 TO 16



WORK PERMIT FOR  
MINORS AGE 14 & 15



CERTIFICATE OF AGE  
AGE 16 & ABOVE



### Minor's Data

Minor's Name (Last, First, Middle Initial)

Mailing Address

City, State, Zip Code

Sex      Date of Birth      Place of Birth (City/State)  
M ☐      Mo / Day / Yr  
F ☐      /      /      /

Age	Height (Ft/In)	Weight	Hair Color	Eye Color	Last School Grade Completed
-----	-------------------	--------	---------------	--------------	--------------------------------

### Minor's Signature

\_\_\_\_\_

### Parent/Guardian/Custodian Data

Name (Last, First, Middle Initial)

Home Address

City, State, Zip Code

Daytime Phone Number (include Area Code)

(      )      -

Parent's signature required only for minor younger than 16. As parent/guardian/ custodian of the above named minor, I am requesting a work permit for the minor.

Signature \_\_\_\_\_

### Issuing Officer's Data

Issuing Officer's Name & Title

Mailing Address

City, State, Zip Code

**Proof of Age**      ☐ Certified birth certificate      ☐ Certified baptismal record  
☐ Passport      ☐ Certificate signed by physician appointed by local board of education

I have examined, approved, and filed the documents required to issue this document. I have personally examined the individual for whom this document is issued and approve the hours of work, job duties & equipment specified.

Issuing Officer's Signature \_\_\_\_\_

Data of Issuance \_\_\_\_\_ Phone Number \_\_\_\_\_

☐ PARENT OR GUARDIAN'S COPY

☐ ISSUING OFFICER'S COPY

☐ DIVISION OF LABOR'S COPY

☐ EMPLOYER'S COPY

### Business/Employment Data

Business Name

Business Address

City, State, Zip Code

Business Phone Number (      )

Type of Business

Job Duties (Please be specific)

List Equipment, Machines, Chemicals and Tools to be used. If none, mark N/A):

Employment Hours Permitted for 14-15 years olds. To be completed by employer representative. READ AND COMPLETE ALL BLANKS: Note: State and Federal Child Labor Laws sometimes differ. In such cases, the stricter or more protective standard applies. (STREET) (TRADES—AGED 10-15 YEARS—SEE BELOW)\*\*

1. June 1 through Labor Day: Maximum permitted hours:  
Maximum 40 Hrs. per week: \_\_\_\_\_ Hrs. per week  
Maximum 8 Hrs. per day: \_\_\_\_\_ Hrs. per day.  
Earliest Beginning Hr. 7:00 AM: \_\_\_\_\_ Earliest Beginning Hr.  
Latest Ending Hr. 9:00 PM: \_\_\_\_\_ Latest Ending Hr.

2. Second Tuesday in September through May 31 while school is in session:  
Maximum permitted hours:  
Maximum 28\* Hrs./week: \_\_\_\_\_ Hrs./week (This includes Sun. thru Sat.)  
Maximum 4\* Hrs. per school day (outside school hours)\* \_\_\_\_\_ Hrs. per day  
Earliest Beginning Hr. 7:00 AM: \_\_\_\_\_ Earliest Beginning Hr.  
Latest Ending Hr. 7:00 PM: \_\_\_\_\_ Latest Ending Hr.

Sat., Sun., and Holidays: Maximum 8 Hrs. per day \_\_\_\_\_ Hrs. per day  
Earliest Beginning Hr. 7:00 AM: \_\_\_\_\_ Earliest Beginning Hr.  
Latest Ending Hr. 7:00 PM: \_\_\_\_\_ Latest Ending Hr.

**\*FEDERAL CHILD LABOR LAW RESTRICTS MAXIMUM HOURS TO 18 PER WEEK, 3 HOURS PER DAY, ALL OF WHICH MUST BE OUTSIDE OF SCHOOL HOURS WHEN SCHOOLS IS IN SESSION.**

3. Second Tuesday in September through May 31 while school is NOT in session:  
Maximum permitted hours:  
Maximum 40 Hrs. per week: \_\_\_\_\_ Hrs. per week  
Maximum 8 Hrs. per day: \_\_\_\_\_ Hrs. per day  
Maximum 8 Hrs. per day: \_\_\_\_\_ Hrs. per day  
Earliest Beginning Hr. 7:00 AM: \_\_\_\_\_ Earliest Beginning Hr.  
Latest Ending Hr. 7:00 PM: \_\_\_\_\_ Latest Ending Hr.

**\*\*HOURS OF WORK PERMITTED FOR STREET TRADES (HOURS OF WORK TO BE S TATED IN THE ABOVE BLANKS)**

1. Second Tuesday in September through May 31: Between 4:00 AM & 7:30 PM.  
2. June 1 through Labor Day; Between 4:00 AM & 8:30 PM.

I agree to employ this minor in the named business with duties, equipment, and hours limited to those specified.

Employer's Signature

Print Name: Title of Person Completing Form

## GUIDE TO ISSUING CHILD LABOR FORM

Only issuing officers shall have blank child labor forms. **Do not hand out blank forms.** Issuing officers are school superintendents, their school employee designees or Iowa Workforce Development personnel.

When minor requests a street trade/work permit/certificate of age, **issuing officer** shall complete minor's information or minor shall complete in issuing officer's presence and issuing officer **must** review minor's data for accuracy:

- |                                  |  |
|----------------------------------|--|
| a) name,                         | e) hair color and eye color,                 |
| b) complete home address,        | f) last grade completed, and                 |
| c) sex, date and place of birth, | g) specific type of evidence of age accepted |
| d) age, height and weight,       | (in Issuing Officer's data)                  |

Minor shall sign the form underneath their information box.

**Acceptable evidence of age** includes a 1) certified copy of a birth certificate, 2) certified copy of baptismal record showing date and place of birth and place of minor's baptism, 3) current passport or 4) physician's certification form from physician appointed by local board of education certifying that after physically examining the minor the physician's determination of minor's age. **Do not use driver's license/permit, social security card, parent statement, I-9 form or list Iowa Workforce Center as proof of age. Do not list school records, but list the specific record on file/presented to the school.**

DO NOT ISSUE OR SIGN THE CHILD LABOR FORM AT THIS POINT

The **issuing officer** shall either mail the partially completed form to the employer or send with minor. If the minor is under 16 yrs. old, the parent or issuing officer shall complete parent information, and parent must sign the parental information. Parent information is not required for minor's aged 16-17.

The **employer** is responsible for completing the employer's name, type of business, complete address, phone number, detailed job title, detailed work duties, and **must** list all machines, tools, equipment and chemicals to be used by the minor and hours to be worked. Duties and equipment, etc. not specifically listed will not be allowed. The employer shall sign the child labor form and return the form to the issuing officer by mail or with the minor.

After the form is returned to the issuing officer, the **issuing officer** shall verify that the form has been completed by the employer, minor and parent (if minor under 16), and that the work, tools and equipment are appropriate for the child's age. If the employer listed work a minor may not perform, prohibited equipment or listed hours of work not permitted, the issuing officer may prepare a new child labor form and mail or send it with the child for the employer to complete or correct.

If form is complete and appropriate, then the **issuing officer** shall sign, date, and complete their full address, title and phone number in bottom left box.

**Issuing officer** will make 3 copies of the original signed form and shall mark the appropriate boxes to designate that they have sent each intended recipient a copy. Original form goes to the employer (by mail or with minor) a copy to the minor/parent/guardian and one copy is kept on file by issuing officer with copy of the evidence of age presented. One copy must be sent to the Iowa Division of Labor within one (1) week of issuance. (IA Code 92.15)

If any questions, contact the Iowa Division of Labor Staff:

Marcielle, Manager - 515/281-8493

Cynthia, Attorney - 515/281-8374

Ginny, Investigator - 515/242-5869

# APPENDIX

School's Name  
School's Address  
School's Phone Number

### **Training Agreement**

Student \_\_\_\_\_ Job Title \_\_\_\_\_

Business \_\_\_\_\_ Phone \_\_\_\_\_

Supervisor/Employer \_\_\_\_\_ Title \_\_\_\_\_

Training Period Begins \_\_\_\_\_ Ends \_\_\_\_\_ Pay \_\_\_\_\_

Career Objective \_\_\_\_\_

The Internship program prepares students for employment. To participate in the course, all parties must agree to the following:

#### **Everyone**

1. The agreement will not be terminated without the knowledge of all parties concerned.
2. The teacher-coordinator and the training sponsor will cooperatively develop and update the student's training plan.
3. The student may withdraw or transfer from a training station after providing appropriate notification when it would enhance the student's educational opportunities.
4. The student will work a minimum of 15 hours each week, but not more than 25 hours.
5. All complaints should be addressed to and resolved by the teacher-coordinator.

#### **The Student**

1. The policies, rules and regulations of the school and the business will be upheld.
2. Actions, attitudes and appearance will reflect positively on the school and the business.
3. Advance notification of absence will be given to the employer and the teacher-coordinator.
4. The student will attend an annual employer appreciation banquet.
5. Additional part-time employment will not be pursued while enrolled in the internship course.
6. Records of work experiences will be completed and submitted as required by the school.
7. Internship activities will be chosen and completed as designated by the teacher-coordinator.
8. Approval of the teacher-coordinator must be obtained before quitting or changing jobs.

#### **The Parents**

1. Responsibility for the personal conduct of the student at school and at work resides with the parents.
2. The student's parents or guardians must provide transportation to and from the workstation.
3. The student will be encouraged to carry out duties and responsibilities effectively.

## **The Employer**

1. The student will be employed for an average of a least 15 hours each week in order to receive credit.
2. The student will be assigned a supervisor who will work with the teacher-coordinator in developing the student's training plan and evaluating the student.
3. State and federal employment and compensation regulations apply to the student.
4. The student will be prohibited from working if he or she has not been in school.
5. The student will be paid the prevailing wage of other workers during similar work
6. Safety instructions will be provided

## **The Teacher-Coordinator**

1. The student's on-the-job performance will be observed and evaluated periodically throughout the year.
2. The teacher-coordinator will assist the student in securing employment at an approved training station.
3. The teacher-coordinator will work with the training sponsor to develop a training plan for the student.
4. The teacher coordinator will counsel the student about her or his progress on the job.
5. The teacher-coordinator will determine the student's final grade for the internship course.
6. The teacher-coordinator will provide activities for the student to complete on the job.
7. The teacher-coordinator will reinforce on-the-job experiences with related classroom instruction.
8. The teacher-coordinator will fairly enforce policies, rules and regulations.

---

Employer	Date
----------	------

---

Teacher-Coordinator	Date
---------------------	------

---

Student	Date
---------	------

---

Parents/Guardians	Date
-------------------	------

It is the policy of this company not to discriminate against employees or customers and to provide an environment free of racial and sexual harassment. Students will be accepted for on-the-job training, clinical or work experiences, assigned to jobs and otherwise treated without regard to race, color, national origin, gender, marital status, or disability.



## DEVELOP A TRAINING PLAN FOR STUDENTS AT THE WORKPLACE

The way in which students are prepared at school before they leave for work determines more than any single factor how successful your work-based learning will be with students, teachers, and employers. Students need a training plan that begins at school and carries over into the workplace containing clear expectations of what students, teachers, and employers are expected to do. Possible components of a training plan include the following:

- A list of **learner outcomes** to be measured in the classroom and workplace. The list describes what students should be able to do and the level at which students should be able to do it.
- **Activities** that students should perform at the workplace. There should be at least two types of activities. First, activities that provide students with more information about the workplace, workers, and the industry. For example, interview your supervisor about how he got his job and what he does on his job. Most of these activities are unpaid career awareness activities that benefit the student. The second type should be work samples or some other reflection of work where the student is involved in activities that contribute to the overall profitability and efficiency of the employer. For example, a graphic arts student runs the printing press.
- A **plan** for each student that the employer can verify. If both the school and employer have agreed upon the skills that students need, the employer can check off which ones the student develops over time. It may not only be a check-off but also a rating system with a specified level of performance. Teachers and students would then get feed back through these records.

**All Aspects of the Industry** activities should be included in the training plan. The aspects defined by the Perkins Act and later legislation include planning; management; finance; technical and production skills; underlying principles of technology; labor issues; community issues; and health, safety, and environmental issues. The training plan should specify how the student is going to receive broad understanding and experience in the industry during classroom learning, work, or both.

**Reflection time**, orally and in writing, should be built into the work-based experience. Students who take time at work to write about what they observe and learn can reflect and absorb knowledge. Students should share their reflection with workplace supervisors, teachers, and peers.

## DEVELOP YOUR OWN TRAINING PLAN

- This is only a planning sheet. The specific format and contents of your training plan(s) will evolve during discussions with your education and employment partners. The planning sheet is a place to start. Eventually, your final training plan will need to be signed by your partners-students, teachers, administrators, employers, and parents-with the expectations clearly communicated. Examples of training plans follow the worksheet.
- Hopefully, a group of employers can meet with you and your team in order to develop one common training plan. However, there may be special expectations, outcomes, or activities that are particular to individual employers that must be included. Therefore, a customized training plan may be required for each employer who provides a placement for work-based learning. Additionally, a customized training plan may be required for each student placed at a single employer because of different work activities or student interests. Again, you and your partners should first agree to a common set of broad outcomes and activities before customizing plans.
- The planning worksheet provides a place to list your overall learner outcomes for the work-based learning experience. Within each area of instructional activities (work skills and knowledge, career development, All Aspects of the Industry, and reflection), partners should discuss the learner outcomes for each activity and include these expectations in the training plan.
- With your partners, you may want to discuss where the activities will take place. Some of the activities may be conducted at the work site, while others may take place in the classroom.

### Example Entries for the Planning Sheet

#### **Overall Learner Outcomes:**

- Students will understand the careers available in the health industry in order to make decisions about their future career plans.

#### **Work Skill and Knowledge Activities:**

- Students will learn to take the vital signs of a patient.
- Through case study lessons of a current patient's medical history, students will understand how dietary conditions affect the body.

#### **Career Development Activities:**

- Through interviews of coworkers, students will learn the education requirements necessary to attain various positions within the health industry.

#### **All Aspects of the Industry Activities:**

- Students will conduct research on the management structure of their place of employment and design an organizational chart.

#### **Reflection Activities:**

- Students will record their workplace experiences in a journal each day.

### Unpaid roles (not considered employees)

Work-Site Role	Definition	Program Examples
Student/Visitor (non-employee)	<p>Participant visits the work-site to observe and learn about a career, work activity, or other aspects of an industry.</p> <p style="text-align: center;"><u>Key points:</u></p> <ul style="list-style-type: none"> <li>• School sponsored</li> <li>• Guidelines established</li> <li>• Roles and responsibilities detailed</li> <li>• Parent permission obtained</li> <li>• Designed to be part of school or guidance curriculum</li> <li>• Work-site activities detailed</li> <li>• Without pay</li> </ul>	<ul style="list-style-type: none"> <li>• Field trip</li> <li>• Job shadowing</li> <li>• Day-on-the-job</li> </ul>
Volunteer (non-employee)	<p>Participant serves unpaid for public service or humanitarian objectives.</p> <p style="text-align: center;"><u>Key points:</u></p> <ul style="list-style-type: none"> <li>• Sponsored by non-profits only</li> <li>• Commercial businesses may not use unpaid volunteers</li> <li>• Participants can't be <u>required</u> to volunteer</li> <li>• Roles and responsibilities detailed</li> <li>• Activities detailed</li> </ul>	<ul style="list-style-type: none"> <li>• Service learning activity</li> <li>• Community service</li> <li>• Service clubs: <ul style="list-style-type: none"> <li>• 4-H</li> <li>• Boy scouts</li> <li>• Girl scouts</li> </ul> </li> <li>• Volunteer programs: <ul style="list-style-type: none"> <li>• Hospitals</li> <li>• Nursing homes</li> <li>• Charitable organizations</li> <li>• Governmental agencies</li> </ul> </li> </ul>
<u>Unpaid Trainee</u> (non-employee)	<p>Participant is trained at a business/industry work-site without compensation. Company permits student to work under direct supervision to gain exposure to a particular occupation. Six criteria of a trainee must be continually met.</p> <p style="text-align: center;"><u>Key points:</u></p> <ul style="list-style-type: none"> <li>• Six criteria must be met: <ol style="list-style-type: none"> <li>1. progressive training</li> <li>2. benefit of trainee</li> <li>3. no displacement of regular employees</li> <li>4. no direct benefits to employer</li> <li>5. no job entitlement</li> <li>6. no wage entitlement</li> </ol> </li> <li>• Guidelines established</li> <li>• Roles and responsibilities detailed</li> <li>• Work-site activities detailed and monitored for compliance</li> <li>• Contract/agreement needed between employer and school sponsor</li> </ul>	<ul style="list-style-type: none"> <li>• Contracted instruction: <ol style="list-style-type: none"> <li>1. Less-than-class size</li> <li>2. Individualized vocational training</li> </ol> </li> <li>• Unpaid work experience</li> <li>• Exploratory experience</li> <li>• Unpaid trainee</li> </ul>

### Paid roles (considered employees)

Work-Site Role	Definition	Program Examples
Student/Learner (employee with training agreement)	<p>Participant is enrolled in a course of study and training in a cooperative training program under a recognized state or local educational authority or private school</p> <p style="text-align: center;"><u>Key points:</u></p> <ul style="list-style-type: none"> <li>• Training agreement in place</li> <li>• Training plan in place</li> <li>• Monitored by school personnel</li> <li>• Educational credit given</li> <li>• Exempt from state child labor provisions, but not federal</li> <li>• Hazardous exemptions allowed under certain conditions</li> <li>• There is a beginning and ending date for the employment</li> </ul>	<ul style="list-style-type: none"> <li>• Cooperative Education Plans:               <ol style="list-style-type: none"> <li>1. Occupational</li> <li>2. Work-Study (special education)</li> <li>3. Summer Cooperative Education</li> </ol> </li> </ul>
Apprentice (employee with written apprenticeship agreement)	<p>Participant is employed in a craft recognized as an apprenticeship trade and is registered by the Bureau of Apprenticeship and Training in accordance with the standards established by the Bureau.</p> <p style="text-align: center;"><u>Key points:</u></p> <ul style="list-style-type: none"> <li>• Training agreement in place</li> <li>• Training plan in place</li> <li>• Monitored by school personnel</li> <li>• Educational credit given</li> <li>• Sponsored by employers or labor/management</li> <li>• Exempt from state child labor provisions, but not federal</li> <li>• Hazardous exemptions allowed under certain conditions</li> </ul>	<ul style="list-style-type: none"> <li>• School-to-Apprenticeship</li> <li>• Registered Apprenticeship</li> </ul>
<u>Employee</u> (minor needs work permit)	<p>Participant is hired by private or public employer to perform work. Employment is not monitored by a school or other public agency.</p> <p style="text-align: center;"><u>Key points:</u></p> <ul style="list-style-type: none"> <li>• Work permit needed for minors if under 16</li> <li>• Minor's employment must comply with state and federal child labor law provisions</li> <li>• Employment has no ending date</li> </ul>	<ul style="list-style-type: none"> <li>• Part-time employee</li> <li>• Full-time employee</li> </ul>

Definitions	Students/Visitor	Volunteer	Unpaid Trainee	Student/Learner (Employee with Training Plan)	Registered Apprentice (Employee with Training Plan)	Employee
<b>LEGAL ASPECTS:</b>						
Unemployment Comp	N/A, no employee status	N/A, no employee status	N/A, no employee status	• Time during training agreement is exempt;	• time during training agreement is exempt;	• paid by employer
Workers Comp	N/A, no employee status	Coverage needed	Coverage needed	• paid by employer	• paid by employer	• paid by employer
Hours Worked	N/A, no employee status	yes-State no-Federal	N/A, no employee status	• restricted by federal child labor provisions, some flexibility for 14-15 year-olds	• restricted by federal child labor provisions, some flexibility for 14-15 year-olds	• restricted by federal child labor provisions, some flexibility for 14-15 year- olds
Hazardous Occupations	N/A, no employee status, school operating policies should confirm with acceptable practices yes-State	yes-State	Yes-State	• under certain conditions exemptions allowed but only in limited areas - 16- 17 year-olds	• under certain conditions allowed but only in limited areas	• not allowed
Occupational Safety or Health Hazard	yes, must comply with all OSHA regulations and standards	yes, must comply all OSHA regulations and standards	Yes, must comply with all OSHA regulations and standards	yes, must comply with all OSHA regulations and standards	yes, must comply with all OSHA regulations and standards	yes, must comply with all OSHA regulations and standards
Safety Training	yes, essential-- both prior and during	yes, essential-- both prior and during	Yes, essential—both prior and during	yes, essential—both prior and during	yes, essential—both prior and during	yes, essential— employer's responsibility

**WORK-BASED LEARNING OPPORTUNITIES CHART:**  
**An Overview of the Six Major Types and Related Legal/Liability Compliance Factors**

Prepared as a working document, information in this chart is a general description only and does not carry the force of legal opinion.

<b>Definitions</b>	<b>Students/Visitor</b>	<b>Volunteer</b>	<b>Unpaid Trainee</b>	<b>Student/Learner (Employee with Training Plan)</b>	<b>Registered Apprentice (Employee with Training Plan)</b>	<b>Employee</b>
Program Examples:	<ul style="list-style-type: none"> <li>field trip</li> <li>career exploration</li> <li>job shadowing</li> <li>day on-the-job</li> <li>work-site project</li> </ul>	<ul style="list-style-type: none"> <li>service learning</li> <li>community service</li> <li>service clubs</li> <li>youth groups</li> </ul>	<ul style="list-style-type: none"> <li>unpaid work experience</li> <li>exploratory experience</li> </ul>	<ul style="list-style-type: none"> <li>Cooperative Education</li> <li>Work-Study (special education)</li> <li>Summer Co-op</li> <li>Paid work experience</li> </ul>	<ul style="list-style-type: none"> <li>School-to-Apprenticeship</li> <li>Apprenticeship</li> </ul>	<ul style="list-style-type: none"> <li>part-time work;</li> <li>full-time work</li> <li>summer job</li> </ul>
Key Components:	<ul style="list-style-type: none"> <li>school sponsored</li> <li>guidelines established</li> <li>no work performed</li> </ul>	<ul style="list-style-type: none"> <li>non-profits only</li> <li>can't be required</li> <li>agency has operating guidelines</li> <li>complies with child labor provisions-7</li> </ul>	<ul style="list-style-type: none"> <li>must meet six criteria:</li> </ul> <ol style="list-style-type: none"> <li>progressive training</li> <li>benefit of trainee</li> <li>no displacement</li> <li>no direct benefits to employer</li> <li>no job entitlement</li> <li>no wage entitlement</li> </ol>	<ul style="list-style-type: none"> <li>training agreement</li> <li>training plan</li> <li>beginning and ending dates</li> <li>monitored by school personnel</li> <li>part of educational plan—credit given</li> <li>complies with child labor and wage and hour provisions</li> </ul>	<ul style="list-style-type: none"> <li>training agreement</li> <li>training plan</li> <li>beginning and ending dates</li> <li>monitored by school personnel</li> <li>part of educational plan—credit given</li> <li>complies with child labor and wage and hour provisions</li> <li>registered with BAT</li> </ul>	<ul style="list-style-type: none"> <li>complies with child labor and wage and hour provisions</li> </ul>
<b>AGE FACTORS:</b>						
14 and 15	Yes	Yes	Yes	yes, limited hours and work (under federal)	yes, limited hours and work (under federal)	yes, limited hours and work
16-17	Yes	Yes	Yes	yes, limited work, some flexibility under certain conditions (under federal)	yes, limited work, some flexibility under certain conditions (under federal)	yes, limited work, some exemptions allowed
18 and still in H.S.	Yes	Yes	Yes	yes, limited by local program policies	yes, limited by local and program policies	yes, limited by local program policies

Definitions	Students/Visitor	Volunteer	Unpaid Trainee	Student/Learner (Employee with Training Plan)	Registered Apprentice (Employee with Training Plan)	Employee
<b>LEGAL ASPECTS:</b>						
Personal Injury	<ul style="list-style-type: none"> <li>responsibility of parent and school—schools may provide short-term accident policy</li> <li>general liability insurance provides essential coverage for business</li> </ul>	<ul style="list-style-type: none"> <li>workers' comp coverage usually provided</li> </ul>	<ul style="list-style-type: none"> <li>responsibility of individual, parent and school—schools may provide short-term accident policy</li> <li>general liability insurance provides essential coverage for business</li> <li>workers' comp coverage if student is determined to be "working"</li> </ul>	<ul style="list-style-type: none"> <li>workers' comp coverage</li> </ul>	<ul style="list-style-type: none"> <li>workers' comp coverage</li> </ul>	<ul style="list-style-type: none"> <li>workers' comp coverage</li> </ul>
Documentation (Risk Management Plan Components)	<ul style="list-style-type: none"> <li>parent permission</li> <li>roles/responsibilities detailed</li> <li>activities detailed</li> <li>work-site monitored by school</li> </ul>	<ul style="list-style-type: none"> <li>program guidelines</li> <li>roles/responsibilities detailed</li> <li>activities detailed</li> </ul>	<ul style="list-style-type: none"> <li>work-site visited prior and during</li> <li>student monitored at work by school</li> <li>work-site mentor assigned to student</li> <li>student progress is assessed in skill attainment, work ethics, and attendance</li> <li>training agreement and training plan</li> <li>safety instruction is documented</li> <li>training agreement details "six criteria"</li> </ul>	<ul style="list-style-type: none"> <li>work-site visited prior and during</li> <li>student monitored at work by school</li> <li>work-site mentor assigned to student</li> <li>student progress is assessed in skill attainment, work ethics, and attendance</li> <li>training agreement and training plan</li> <li>safety instruction is documented</li> </ul>	<ul style="list-style-type: none"> <li>work-site visited prior and during</li> <li>student monitored at work by school</li> <li>work-site mentor assigned to student</li> <li>student progress is assessed in skill attainment, work ethics, and attendance</li> <li>training agreement and training plan</li> <li>safety instruction is documented</li> <li>registered by BAT**</li> </ul>	<ul style="list-style-type: none"> <li>original work permit on file at work-site if under 16</li> <li>copy of work permit on file at school</li> <li>other appropriate documentation on file for minors working under exemptions</li> </ul>